

July 2010

MILITARY NATURALIZATIONS

USCIS Generally Met
Mandated Processing
Deadlines, but
Processing Applicants
Deployed Overseas Is
a Challenge



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Highlights

Highlights of [GAO-10-865](#), a report to congressional committees

Why GAO Did This Study

From September 2001 to March 2009, approximately 47,000 noncitizen members of the U.S. military became naturalized U.S. citizens. The Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Service (USCIS) and the Department of Defense (DOD) have taken steps to assist noncitizens with applying for naturalization. The Kendell Frederick Citizenship Assistance Act (Kendell Frederick Act) and the Military Personnel Citizenship Processing Act (MPCPA), enacted in 2008 to expedite application processing, each directed GAO to report on implementation of the acts. This report addresses (1) the extent to which USCIS met the processing deadlines established in the acts and (2) actions USCIS has taken to expedite the processing of applications, and any challenges it has faced. GAO reviewed relevant legislation and DHS reports and guidance related to processing applications; reviewed several generalizable samples of applicants' case files (A-files); and interviewed USCIS officials.

What GAO Recommends

GAO recommends that the USCIS Director ensure that available deployment information is collected from all applicants when they file the application; case files document that applicants were notified of processing delays and provided an estimated adjudication date; and case files document actions taken when a case is administratively closed or denied. DHS concurred with GAO's recommendations.

View [GAO-10-865](#) or key components. For more information, contact Richard M. Stana at (202) 512-8816 or stanar@gao.gov.

MILITARY NATURALIZATIONS

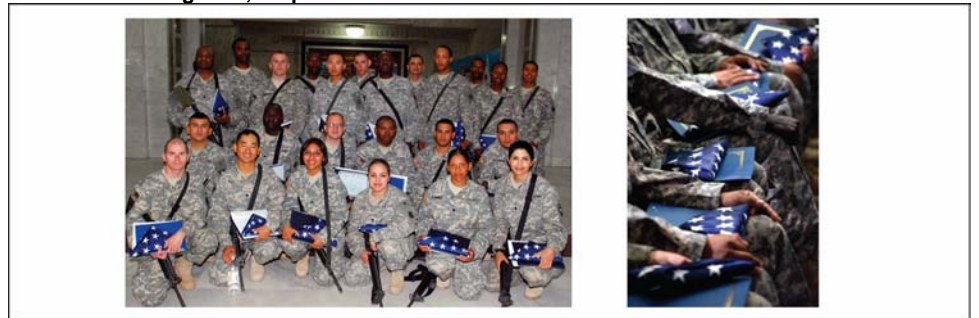
USCIS Generally Met Mandated Processing Deadlines, but Processing Applicants Deployed Overseas Is a Challenge

What GAO Found

USCIS complied in nearly all cases with the Kendell Frederick Act's requirement that it complete application processing for overseas service members within 6 months of the final background check. USCIS complied in an estimated 73 percent of service member cases and 84 percent of spousal cases with the MPCPA's requirement that it either complete application processing within 6 months of receipt or notify the applicant of the reason for the delay and provide an estimated adjudication date. For the remaining cases, the applicants' files did not document that the applicant was notified that the application would not be processed within 6 months, did not provide an estimated adjudication date in the notification of delay letter, or GAO could not determine if USCIS met the notification requirements because cases pending after July 28, 2009, were not included in GAO's probability samples. Without documentation of USCIS's actions, it is difficult for USCIS to determine its adherence to MPCPA's requirements.

USCIS took several actions to expedite application processing, including establishing a military naturalization unit and using videoconferencing for overseas applicants in war zones, among others; but receiving incomplete applications, processing applicants stationed overseas, and identifying all applicants prior to their overseas deployment pose challenges to timely processing of applications. USCIS cannot identify all deploying service members because it does not have procedures for ensuring that available deployment information is collected from all applicants when they file the application, and this could result in processing delays. Additionally, not all A-files contained documentation indicating that USCIS had taken steps to locate or notify applicants, as required in its April 2009 guidance. For example, for 9 of 15 cases that were administratively closed because the applicant had failed to appear for the initial interview, no documentation was included in the A-file, as required by USCIS's guidance, that a USCIS liaison at the applicant's military installation was contacted in an attempt to locate the service member. Without documenting all actions taken, it is difficult for USCIS to determine the extent to which it is administratively closing or denying cases in accordance with its guidance.

Service Members Who Became U.S. Citizens during a Naturalization Ceremony Held at the Al Faw Palace in Baghdad, Iraq.



Source: Department of Defense.

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United States Government Accountability Office
Washington, DC 20548

July 29, 2010

Congressional Committees

Throughout U.S. history, noncitizens have served in the U.S. military. From September 2001 to March 2009, approximately 47,000 noncitizen members of the U.S. military became naturalized U.S. citizens, around 100 of them posthumously. The number of naturalizations for noncitizen military members increased from 1,146 in fiscal year 2001 to 10,505 in fiscal year 2009.

Since the United States began its military response to the September 11, 2001, attacks, Congress and the administration have worked to expedite the process by which noncitizens serving in the military are granted U.S. citizenship through naturalization.¹ For example, the National Defense Authorization Act for Fiscal Year 2004 reduced the period of peacetime service required for naturalization from 3 years to 1 year, waived naturalization application fees for noncitizen service members, required that military naturalization processing for service members be available overseas, and required that service members receive priority consideration for military leave and transport to finalize naturalization. In addition, during designated periods of hostilities, members of the U.S. armed forces who serve honorably in an active duty status are eligible to apply for naturalization without meeting any minimum required period of service. In addition to statutorily designated periods of hostilities such as World War I and II, Executive Order 13,269, issued in July 2002, provided immediate eligibility for naturalization to noncitizens serving honorably in an active duty status during the global war on terrorism, beginning on September 11, 2001.² The Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS) and the Department of Defense (DOD) have taken steps to assist noncitizens serving in the military in applying for naturalization.

¹Naturalization is the process by which U.S. citizenship is granted to a foreign citizen or national after he or she fulfills the requirements established by law in the Immigration and Nationality Act.

²Exec. Order No. 13,269, 67 *Fed. Reg.* 45,287 (July 8, 2002).

To further expedite the processing of military naturalizations, the Kendell Frederick Citizenship Assistance Act (Kendell Frederick Act)³ and the Military Personnel Citizenship Processing Act (MPCPA)⁴ were enacted in June and October of 2008, respectively. The Kendell Frederick Act requires DHS to, among other things, use the fingerprints taken at the time of service members' enlistment in the military to satisfy background checks for naturalization applications if certain conditions are met. The act also requires DHS to centralize the data processing of naturalization applications filed by members of the military serving abroad and to ensure that these applications are adjudicated within 180 days of receipt of responses to all background checks. The Kendell Frederick Act mandated (1) DHS to submit a report to Congress on the military naturalization application adjudication process, and (2) within 180 days of DHS's report, GAO and DHS's Office of Inspector General (OIG) to report on the implementation of the act, including assessments of any technology that may be used to improve the efficiency of the naturalization process for members of the military and the impact of the act on privacy and civil liberties. DHS' OIG issued its report to Congress in January 2010. In consultation with the appropriate congressional committees and DHS's OIG, we determined that we would review the extent to which USCIS met the 180-day processing deadlines, and the OIG would review the actions taken to implement the Kendell Frederick Act, including the required technology and privacy assessments.⁵ In response to the statutory deadline established in the Kendell Frederick Act, we provided a congressional briefing that set forth preliminary information regarding our study in August 2009.

The MPCPA requires USCIS to, among other things, process and adjudicate certain military naturalization applications within 6 months of receipt or provide applicants with an explanation for its inability to meet the deadline and an estimate of the anticipated adjudication date. This processing requirement applies to applications filed by current military members who have served honorably, applications filed on behalf of

³Kendell Frederick Citizenship Assistance Act, Pub. L. No. 110-251, 122 Stat. 2319 (2008).

⁴Military Personnel Citizenship Processing Act, Pub. L. No. 110-382, 122 Stat. 4087 (2008). The MPCPA has a sunset provision of October 9, 2013, at which point the act will be repealed unless subsequent legislation is enacted to extend its applicability.

⁵DHS Office of Inspector General, *U.S. Citizenship and Immigration Services' Implementation of the Kendell Frederick Citizenship Assistance Act*, OIG-10-39 (January 2010).

certain deceased members of the military, as well as applications filed by the spouses, or the surviving spouses, children, or parents of such members who are U.S. citizens. The MPCPA also directs GAO to report to Congress no later than 180 days after the date of the act's enactment on the results of a study regarding USCIS's processing time for military naturalization applications. In response to this requirement, we provided a congressional briefing in April 2009, which included preliminary information on our study. Because, at the time of our data collection, USCIS had not completed processing all military naturalization applications that had been filed during the 3 months following enactment of the MPCPA, we were limited in our ability to compute an average processing time, as called for by the MPCPA. We informed congressional stakeholders that we could more accurately report the number of applications that had been filed with USCIS during the 3 months following enactment of the MPCPA and completed within 6 months of receipt. They agreed that this would satisfy their information needs.

This report discusses the final results from our studies mandated by the Kendell Frederick Act and the MPCPA and answers the following questions:

- To what extent has USCIS met the processing deadlines established in the Kendell Frederick Act and the MPCPA?
- What actions, if any, has USCIS taken to expedite the processing of military naturalization applications, and to what extent does it face challenges to the timely processing of these applications?

To answer these questions, we reviewed the Kendell Frederick Act, the MPCPA, the National Defense Authorization Act for Fiscal Years 2004 and 2008, and Executive Order 13,269; as well as relevant sections of Title III of the Immigration and Nationality Act. To determine the extent to which USCIS has met processing deadlines specified in the Kendell Frederick Act and the MPCPA, we reviewed separate samples of alien case files (A-files) from USCIS's listings of applications filed before and after enactment of the acts. Specifically, we selected and reviewed

- random, probability samples of service member applications completed during the 6-month period preceding enactment of the Kendell Frederick Act and about 5 ½ months preceding enactment

of the MPCPA.⁶ We report the results for the pre-Kendell Frederick and pre-MPCPA probability samples as estimates of the universe of all relevant service member applications completed during study periods preceding enactment of each act;

- random, probability samples of service member applications submitted during the 3-month periods following enactment of each act.⁷ We report the results for the post-Kendell Frederick and post-MPCPA probability samples as estimates of the universe of all relevant service member applications submitted during the 3 months following enactment of each act;
- all available applications for our post-MPCPA period pending longer than 6 months that were located at the Nebraska Service Center (NSC) and in four USCIS field offices.⁸ Although our results for these cases are not generalizable to all post-MPCPA service member cases pending longer than 6 months, we believe that our review of these applications provided us with important information about such things as reasons for application processing delays and USCIS's documentation in A-files of actions taken to notify applicants of processing delays;
- all applications submitted by the spouses of military members during the 1-month period following USCIS's January 2009

⁶The samples sizes and populations are discussed in more detail in app. I. The pre-Kendell Frederick period was from December 25, 2007, through June 25, 2008; the pre-MPCPA period was from April 28, 2008, through October 8, 2008. The pre-MPCPA period was intended to be 6 months, but was 20 days less due to a programming error during the sample selection. We believe that the exclusion of these 20 days had no effect on our results.

⁷The post-Kendell Frederick period was from June 26, 2008, through September 26, 2008; the post-MPCPA period was from October 9, 2008, through January 9, 2009. USCIS provided us the status of post-Kendell Frederick and post-MPCPA cases from its case management system as of July 28, 2009. The July 28, 2009, date allowed USCIS more than 6 months to process and adjudicate applications after enactment of the acts; provided USCIS time to locate and mail, if necessary, the files we requested to the locations we planned to visit; and enabled us to balance the competing demands of providing a timely report to Congress while allowing a sufficient period of time to elapse so that we could assess USCIS's timeliness in processing military naturalization cases after the enactment of the two acts.

⁸The Nebraska Service Center (NSC) is USCIS's centralized location for receiving and conducting initial processing of all military naturalization applications, except for applications for posthumous citizenship.

centralization of military spouse naturalization applications at the NSC.⁹ Our results for this sample apply to all spousal applicants during the 1-month time period we reviewed;

- all applications for posthumous citizenship completed during the pre-MPCPA period and all posthumous citizenship applications submitted during the post-MPCPA period. Our results for these samples apply to all posthumous applications during the pre- and post-MPCPA periods in our review; and
- a sample of applications that USCIS administratively closed or denied as of July 9, 2009, in response to an April 15, 2009, memorandum that provided guidance for systematically closing cases that met certain criteria. Our results for this sample are not generalizable to all cases closed or denied due to the April 15, 2009, memorandum because we did not receive information from USCIS that enabled us to determine the total number of applications administratively closed or denied due to the memorandum during the period. Even so, we believe that our review of these applications provided us with important information about such things as USCIS's actions to locate applicants who failed to appear for an interview or respond to a request for evidence, and USCIS's documentation in A-files of actions taken to administratively close or deny applications due to the April 15 memorandum.

We reviewed applicants' A-files to determine, among other things, how long USCIS took to process military naturalization applications, whether USCIS provided an explanation to applicants if it could not complete application processing within 6 months, whether the applicant was stationed overseas or domestically at any point in the naturalization process, reasons why applications may not have been processed within mandated time frames, and whether USCIS was closing or denying certain cases consistent with its own guidance. Our A-file reviews were conducted at the following USCIS locations: the NSC in Lincoln, Nebraska; National Records Center in Lee's Summit, Missouri; and field offices in Los Angeles, California, Norfolk, Virginia, San Diego, California, and Rome, Italy¹⁰—four of the offices with the highest number of pending service member

⁹The 1-month period was from January 22, 2009, through February 22, 2009. USCIS provided us the status of these cases from its case management system, CLAIMS 4, as of August 31, 2009.

¹⁰Among other responsibilities, the Rome Field Office processes applications of service members stationed in Iraq.

applications submitted during the 3 months following enactment of the MPCPA. We reviewed a total of 464 A-files at these locations.

To determine what actions, if any, USCIS has taken to expedite the processing of military naturalization applications, and the extent to which USCIS faces key challenges to timely application processing, we reviewed USCIS reports, memorandums, and guidance related to processing military naturalization applications, as well as standards for internal controls in the federal government.¹¹ We interviewed officials at USCIS headquarters, the NSC, and four of the USCIS field offices with the highest number of pending service member applications submitted in the post-MPCPA period. We also interviewed cognizant officials at the Department of Justice's Federal Bureau of Investigation (FBI); DOD; Army, Navy, and Marine Corps service components; and the Office of Personnel Management; and reviewed relevant documentation to determine the actions they have taken in coordination with USCIS to help expedite the processing of military naturalization applications. Additional details on our scope and methodology are included in appendix I.

We conducted this performance audit from February 2009 through July 2010 in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Application Process

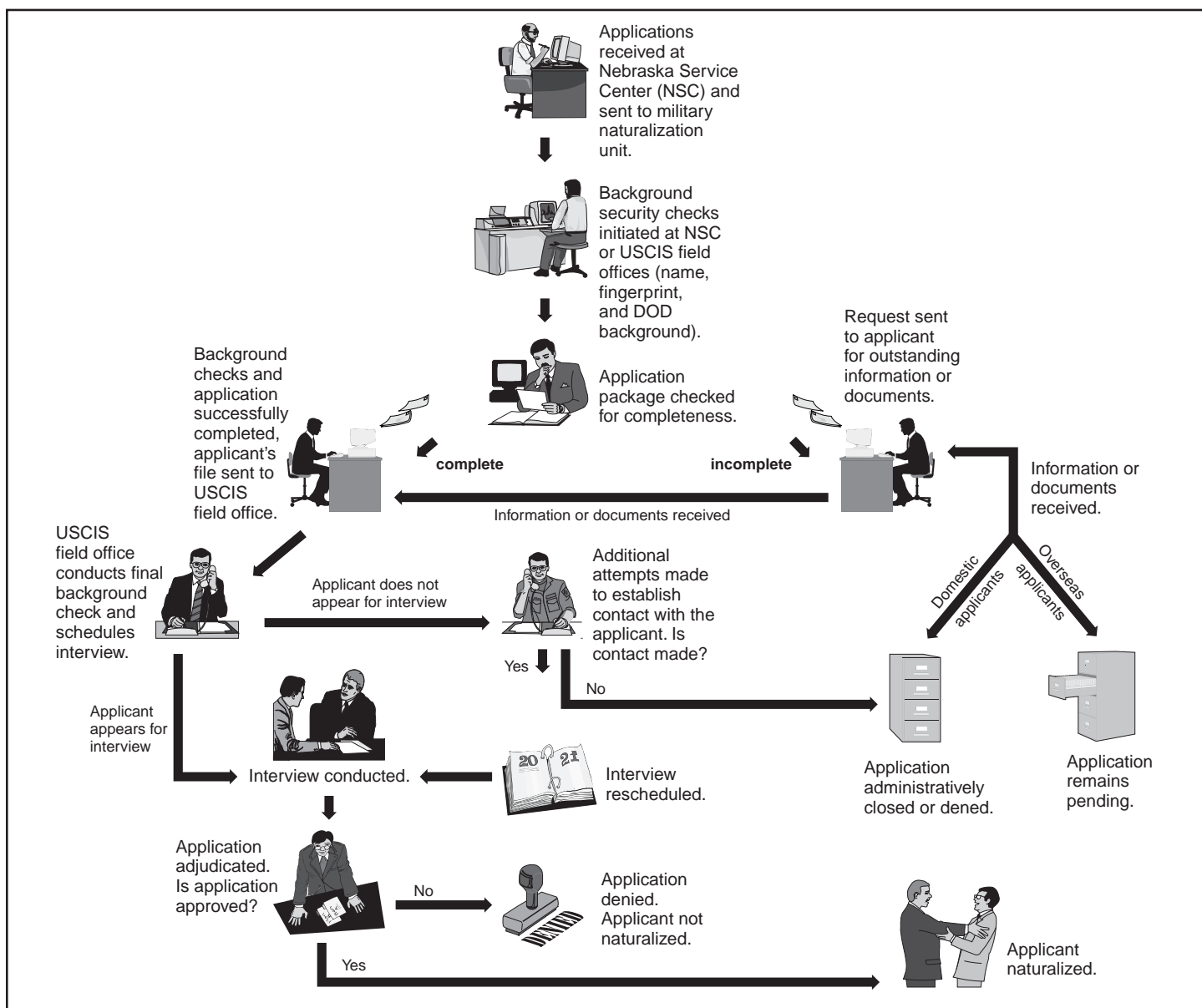
The Immigration and Nationality Act (INA) contains special provisions governing the naturalization process for noncitizen members of the U.S. military, both living and deceased. Eligibility requirements vary depending upon the type of military service, although the service must be honorable. To apply for naturalization, the service members complete an application package and submit fingerprints, which are used to conduct a background check.

¹¹GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington D.C.: November 1999).

Initial processing of military naturalization applications is completed by a specialized military naturalization unit at USCIS NSC in Lincoln, Nebraska. Staff at the NSC is to examine application packages for completeness, begin conducting initial background checks on the applicant, and place forms and information regarding the applicant into an A-file. If an application is incomplete, USCIS is to send a request for information to the military applicant's last known address. After initial processing of the application is completed at the center, the A-file is transferred to the USCIS field office closest to where the applicant is based, or the location the applicant requested, for the next phase of the application process.

Military applicants are to be scheduled for naturalization interviews as soon as possible after the A-file arrives at the USCIS field offices—generally within 30 days of its arrival. USCIS adjudicators are to ensure that all background checks are valid and review the A-file, prior to the naturalization interview, to determine if an applicant has been involved in any disqualifying activity. At the naturalization interviews, USCIS officers are to test applicants' ability to read, write, and speak English; and administer a civics test to determine the applicants' understanding of U.S. history and government. If the applicant successfully passes these tests and is otherwise eligible to naturalize, and there are no outstanding issues, such as pending court cases, the application is approved and the applicant is scheduled for the naturalization ceremony. In most cases, according to USCIS officials, the naturalization ceremony can be scheduled quickly, especially if a service member is about to be deployed. Figure 1 provides a description of the military naturalization process.

Figure 1: Steps in the Military Naturalization Process



Source: GAO analysis of USCIS procedures; and Art Explosion (clipart).

Note: The figure reflects major activities in the military naturalization process.

2008 Legislation to Expedite Military Naturalization Applications

The Kendell Frederick Citizenship Assistance Act (Kendell Frederick Act) was enacted on June 26, 2008, to streamline and expedite the processing of military naturalization applications. The act was named in honor of U.S. Army Reserve Specialist Kendell Frederick, who was killed in Iraq while seeking to obtain U.S. citizenship. Over a 1-year period, Specialist Frederick experienced several delays to having his naturalization application processed, culminating in a requirement that he travel to another base in Iraq to provide fingerprints for his naturalization application. Specialist Frederick was killed en route by a roadside bomb and USCIS posthumously granted him U.S. citizenship.

The Kendell Frederick Act contains several provisions to facilitate the naturalization process for members of the military who are eligible to be naturalized under sections 328 or 329 of the Immigration and Nationality Act (INA). Section 328 of the INA is a naturalization provision available to currently enlisted and recently separated members of the U.S. armed forces who are lawful permanent residents and have served honorably for a year or more. Section 329 of the INA is a naturalization provision available to current service members and veterans who need not be lawful permanent residents, and who have served honorably in an active-duty status or in the Selected Reserve of the Ready Reserve during designated periods of conflict, including from September 11, 2001, to the present.¹² Section 329A of the INA is a naturalization provision for posthumous citizenship available to service members who die as a result of their service during a designated period of hostility.¹³

The Kendell Frederick Act requires DHS to use the enlistment fingerprints of these military members to satisfy background checks for naturalization applications if certain conditions are met, such as the submission of a naturalization application within 24 months of enlistment. It also requires coordination between DHS, DOD, and the FBI to implement procedures that will ensure the rapid electronic transmission of biometric information between agencies, while safeguarding privacy and civil liberty interests. The act includes special provisions related to naturalization applications

¹²In addition, in December 2008, the Department of Defense announced the “Military Accessions Vital to the National Interest (MAVNI)” pilot program temporarily permitting enlistment into military service of U.S. nonimmigrant visa holders, asylees, refugees, or individuals with Temporary Protected Status who possess medical, language, and other types of skills deemed vital for military operations.

¹³See 8 U.S.C. § 1440-1.

filed by members of the military who are both on active duty and serving abroad, including centralized data processing of their applications. It establishes an expedited processing deadline for these applications, requiring that they be adjudicated within 180 days of receipt of responses to all background checks. The act does not establish a deadline for adjudicating the naturalization applications of other military members; that is, those who are not serving overseas in an active-duty status.

The Military Personnel Citizenship Processing Act (MPCPA) was enacted on October 9, 2008, to further expedite the processing of military naturalization applications. The MPCPA requires USCIS to process and adjudicate certain military naturalization applications within 6 months of receipt. These include applications from currently serving service members applying under section 328 or 329 of the INA, current spouses of current service members applying under section 319(b) of the INA, surviving military spouses, children, and parents applying under section 319(d) of the INA,¹⁴ as well as posthumous applicants who die as a result of service during a period of hostility. If unable to process these applications within 6 months of receipt, USCIS is required to provide the applicant with an explanation for its inability to meet the 6-month deadline and an estimate of the date by which the application would be adjudicated.

In fiscal year 2010, Congress provided \$5 million to cover the estimated cost to USCIS of processing military naturalization applications.

¹⁴The spouses of U.S. citizen service members who are regularly stationed abroad, as well as the surviving spouses, children, and parents of U.S. citizen service members who die during a period of active duty military service, are eligible to apply for citizenship under section 319(b), (d), or (e) of the INA, which waives otherwise applicable requirements regarding residency and physical presence in the United States. See 8 U.S.C. § 1430(b), (d), (e); see also, USCIS, *A Guide to Naturalization* (Washington, D.C.: February 2010), pp. 18-19.

USCIS Has Generally Met the Processing Deadlines Established in the Kendell Frederick Act and the MPCPA

Following enactment of the Kendell Frederick Act, USCIS met the act's processing deadline requirement for nearly all service members who served overseas on active duty at some point during the application process. Following enactment of the MPCPA, USCIS completed processing an estimated 71 percent of service member applications within 6 months of receipt of the application. In an additional 2 percent of cases, USCIS met the MPCPA's requirement that, when applicable, it notify applicants of a processing delay and provide them with an estimated completion date, making USCIS fully compliant with the MPCPA in a total of 73 percent of cases. Following enactment of the MPCPA, USCIS also completed 84 percent of applications from spouses and all posthumous applications within 6 months of receipt. Applicants' A-files sometimes did not contain documentation showing that USCIS complied with the MPCPA's notification requirements.

USCIS Completed Nearly All Military Naturalization Cases within the 6-Month Deadline Established by the Kendell Frederick Act

Both before and after enactment of the Kendell Frederick Act, for service members who served overseas in an active duty status at any time during their application process, USCIS met the act's processing deadline requirement by completing processing nearly all applications within 6 months of the final background check. Specifically, of 442 naturalization applications that service members filed during the 3 months following enactment of the Kendell Frederick Act, we estimate that USCIS completed processing 98 percent of applications within 6 months of completing the applicant's background checks.¹⁵ Of 1,278 naturalization applications from service members that USCIS completed processing during the 6 months preceding enactment of the Kendell Frederick Act, we estimate that USCIS completed processing 97 percent of the applications within 6 months of completing the applicant's background and national security checks.¹⁶ USCIS was able to meet the deadline requirements of

¹⁵For the post-Kendell Frederick Act applications, the margin of error for estimates of percentages is plus or minus 9 percentage points or less at the 95 percent level of statistical confidence. For pre-Kendell Frederick Act applications, the margin of error for estimates of percentages is plus or minus 13 percentage points or less at the 95 percent level of statistical confidence.

¹⁶Our review showed that after enactment of the Kendell Frederick Act, USCIS completed an estimated 76 percent of cases within 182.4 days of the date that it completed the initial background and national security checks. Prior to the Kendell Frederick Act, USCIS completed an estimated 64 percent of cases within 180 days of the initial checks. This difference in completing naturalization application processing between the pre- and post-Kendell Frederick Act periods is not significant at the 95 percent level of statistical confidence.

the Kendell-Frederick Act in such a high percentage of cases because USCIS policy calls for conducting four types of background and national security checks as early in the application process as possible; and one of these four types of checks—the Interagency Border Inspection System (IBIS) check of law enforcement data on individuals—is to be conducted every 6 months thereafter.¹⁷ Because IBIS checks are to be conducted every 6 months, almost all cases will meet the Kendell Frederick Act’s deadline of adjudicating overseas, active-duty military naturalization applications within 6 months of receiving responses to all background and national security checks.¹⁸ In our review of service member applications from the pre- and post-Kendell Frederick Act periods, we found that USCIS also conducted a final IBIS check prior to the naturalization oath.

USCIS Completed over 70
Percent of Military
Naturalization
Applications within
MPCPA’s Deadline, but
Did Not Always Document
Compliance with
Notification Requirements

¹⁷In addition to the IBIS check, USCIS’s background and national security checks consist of an FBI fingerprint check, FBI name check, and the Defense Clearance and Investigations Index check for information on DOD investigations. FBI fingerprint and the Defense Clearance and Investigations Index check results are valid for 15 months from the date USCIS received a response. FBI name check results are valid for the life of the naturalization application. If any of the results expire prior to USCIS completing the processing of the military naturalization application, USCIS is to rerun the check and receive a final response before naturalizing the applicant.

¹⁸According to USCIS, to expedite military naturalization application processing, it begins conducting background checks on applicants even if the submitted application is not complete.

Percentage of Service Member Applications Completed within 6 Months of Receipt Increased Significantly after Enactment of the MPCPA

Our A-file review of a probability sample selected from 1,932 naturalization applications filed by service members during the 3 months following enactment of the MPCPA found that USCIS completed processing an estimated 71 percent of the applications within 6 months of receipt, and did not complete processing an estimated 29 percent within this time period. Completing processing of 71 percent of service members' naturalization applications within 6 months of receipt was a significant increase compared to USCIS's processing time during the period preceding enactment of the MPCPA. Of 4,533 applications from service members that USCIS completed processing about 5 ½ months preceding enactment of the MPCPA, an estimated 30 percent were completed within 6 months of receipt, while 70 percent took longer than 6 months to complete.¹⁹ USCIS officials said that several factors limited the agency's ability to process a higher percentage of military naturalization applications prior to enactment of the MPCPA, including a surge in the total number of naturalization applications filed in 2007 prior to an application fee increase and the 2008 Presidential election, which placed a strain on USCIS's adjudication resources, overall.

Documentation That USCIS Notified Applicants of Processing Delays and Provided an Estimated Adjudication Date Was Not Always Included in Service Members' A-Files

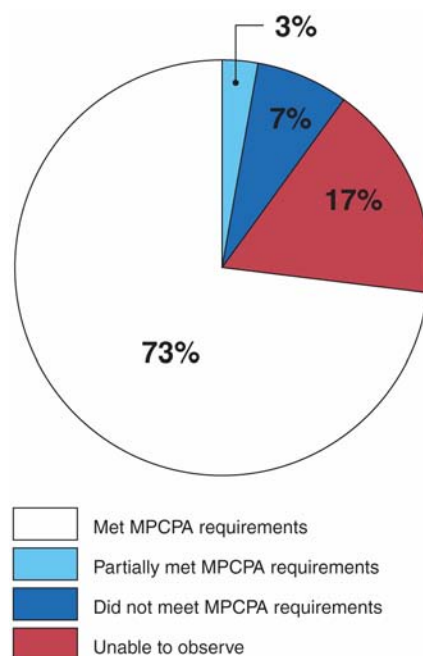
The MPCPA requires USCIS to notify applicants of a processing delay and an estimate of the date by which the application would be adjudicated if their cases will take longer than 6 months to process. By reviewing the applications in our sample that USCIS did not complete processing within 6 months of receipt, we estimated the percent of all 1,932 applications that fully met the notification requirements, partially met the notification requirements, and did not meet the notification requirements; as well as the percent for which we could not determine whether USCIS met the notification requirements. These results are as follows:

- In an estimated 2 percent of the case files, USCIS fully met notification requirements. That is, the A-files contained letters notifying service members that the application would not be processed within 6 months, and the letters provided an estimated adjudication date.

¹⁹Pre-MPCPA service member cases are applications completed by USCIS about the 5 ½-month period prior to enactment of the MPCPA. Unless otherwise noted, the maximum margin of error for estimates of percentages for the pre-MPCPA applications is plus or minus 14 percentage points or less at the 95 percent level of statistical confidence. Post-MPCPA service member cases are applications received by USCIS during the 3-month period following the enactment of the MPCPA. Unless otherwise noted, the maximum margin of error for estimates of percentages for the post-MPCPA applications is plus or minus 10 percentage points at the 95 percent level of statistical confidence.

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- In an estimated 3 percent of the A-files, USCIS partially met the notification requirements. That is, the A-files contained a letter notifying the service member that the application would not be processed within 6 months, but the letter did not provide an estimated adjudication date.
 - In an estimated 7 percent of the A-files, USCIS did not meet the notification requirements. That is, the A-files did not contain documentation that USCIS notified the service member that the application would not be processed within 6 months and did not contain an estimated adjudication date.
 - In an estimated 17 percent of the A-files, we were unable to observe whether USCIS met the MPCPA's notification requirements. That is, we could not determine if USCIS provided an explanation of its inability to meet the deadline or an estimated completion date because we did not include cases that remained pending after July 28, 2009, in our probability sample. It is possible, therefore, that our findings that USCIS fully complied with the requirements of the MPCPA for an estimated 73 percent of service member applications (71 percent that were processed within 6 months plus 2 percent that met the MPCPA's processing delay notification requirements) is understated. Figure 2 shows our post-MPCPA findings for service members.

Figure 2: Extent to Which USCIS Met Processing Requirements for Service Members following Enactment of the MPCPA



Source: GAO analysis of USCIS data.

Our review of a separate sample of 74 service member cases pending in four USCIS field offices similarly found that applicants' A-files sometimes did not contain documentation that USCIS met the notification requirements of the MPCPA. In this sample, we reviewed only cases that USCIS did not complete processing within 6 months of application receipt. Of the 74 cases reviewed, we found the following:

- In 31 cases (42 percent), USCIS fully met the notification requirements. That is, the A-files contained letters notifying service members that the application would not be processed within 6 months, and the letters provided an estimated adjudication date.
- In 28 cases (38 percent), USCIS partially met the notification requirements. That is, the A-files contained a letter notifying the service member that the application would not be processed within 6 months, but the letter did not provide an estimated adjudication date.

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- In 15 cases (20 percent), USCIS did not document that any action was taken to notify the applicant. That is, the A-files did not contain documentation that USCIS notified the service member that the application would not be processed within 6 months and did not contain an estimated adjudication date.

For the 15 cases where USCIS did not document that it took any action to notify applicants of processing delays and provide them with an estimated adjudication date, we could not determine whether USCIS staff carried out the MPCPA's notification requirements but did not document their efforts, or if USCIS staff did not carry out the requirements. According to USCIS field office and headquarters officials, human error on the part of USCIS staff was the explanation for why some A-files lacked documentation that the notification requirements were met. Standards for internal control require agencies to document that transactions and other significant events are complete and accurate, and are useful to managers in controlling their operations and to any others involved in evaluating or analyzing operations. Additionally, USCIS requires that copies of information regarding all transactions, including outgoing correspondence, be retained in the A-files of individuals as they pass through the U.S. immigration process. USCIS personnel may have carried out the notification requirements of the MPCPA without documenting that they did so, but improving quality assurance measures to ensure that such documentation is placed in A-files could help USCIS validate the actions taken, assess USCIS's performance, and have reasonable assurance that the notification requirements of the MPCPA were met. USCIS officials acknowledged that improving the military naturalization program's quality assurance measures, such as by increasing communication with application processing staff or creating additional checklists, or both, to enhance staff's awareness of the need to document transactions, could help reinforce the requirement that all actions taken be documented and ensure that USCIS has complete and accurate information on efforts it has made to comply with the requirements of the MPCPA.

USCIS Completed the Majority of Applications from Spouses within the MPCPA's Deadline, but Did Not Always Document Compliance with Notification Requirements

Our A-file review found that within 6 months of receipt, USCIS completed processing 47 (84 percent) of all 56 applications filed by spouses of service members from January 22, 2009, through February 22, 2009. This period is the month following USCIS's centralization of military spouse naturalization applications at the NSC. In 2 cases (4 percent), applicants' A-files did not document that USCIS notified the spouse that it would not complete processing the application within 6 months. We could not determine for the remaining 7 spousal cases (12 percent) if USCIS provided an explanation of its inability to meet the deadline or an estimate

of the completion date because they remained pending as of August 31, 2009, and we did not include them in our sample. As with the applications from service members, USCIS explained that human error on the part of USCIS staff was the reason why some A-files lacked documentation that the notification requirements were met.

We were unable to determine whether, or to what extent, the processing time for applications from spouses had improved because military spouse applications are entered into USCIS's automated systems the same way as all non-military naturalization cases and, once entered, cannot be systematically separated from non-military spouse applications. Therefore, USCIS could not identify military spouse naturalization cases prior to its centralizing the processing of such cases at the NSC in January 2009, and we did not have a listing of these cases for the period preceding enactment of the MPCPA.

USCIS Met the MPCPA Processing Deadline for All Posthumous Cases

During both the pre- and post-MPCPA periods, USCIS completed processing within 6 months all posthumous applications submitted on behalf of service members. This included 6 applications submitted before, and 1 application submitted after enactment of the MPCPA.

USCIS Has Taken Actions to Expedite Military Naturalization Processing, but Faces Challenges to Timely Completion of Application Processing and Could Improve Its Processes Further

To expedite the military naturalization process, USCIS took a number of actions, including establishing a military naturalization unit and using videoconferencing for overseas applicants in war zones, among others. However, USCIS faces challenges in completing some military naturalization applications in a timely fashion because some applications contain incomplete information and USCIS's information about service members' deployment overseas is limited. In addition, USCIS issued guidance in April 2009 to ensure that there would be a systematic approach for administratively closing and denying applications that could not be resolved when USCIS lacked sufficient evidence to adjudicate the case, but the extent to which USCIS has complied with its guidance is unclear.

USCIS Took a Number of Actions Both before and after Enactment of the Kendell Frederick Act and MPCPA to Expedite the Military Naturalization Process

During the period 2000 to 2010, USCIS took several steps to expedite the processing of military naturalization applications. Specifically, USCIS established a unit to process military naturalization applications, initiated an outreach program at military installations, increased coordination with DOD and the FBI on military naturalization issues, deployed mobile fingerprint technology, began submitting USCIS fingerprints to the FBI for rechecking, began using videoconferencing for naturalization interviews, and created additional information sources on the military naturalization process. According to USCIS officials, a number of these actions were already in place at the time of enactment of the Kendell Frederick Act and the MPCPA. Below we describe in greater detail the actions USCIS took.

- **Military naturalization application processing unit established.** In February 2000, USCIS established the Military Naturalization Unit at its NSC. This unit is responsible for carrying out the up-front processing tasks for all military naturalization applications, such as reviewing forms for completeness and conducting background checks. According to USCIS officials, USCIS worked closely with service members and DOD points of contact to help ensure efficient processing of these applications. As of June 2010, the military naturalization unit consisted of 23 staff members.²⁰
- **Increased coordination with DOD.** USCIS officials stated that since 2000 USCIS has met periodically, and since 2008 quarterly, with cognizant DOD components, conducted training sessions on an as-needed basis with DOD points of contact for immigration issues, and held information sessions for service members at both domestic and overseas military installations. In June 2008, USCIS initiated an outreach program that requires, among other things, that USCIS field officials work with (1) DOD officials at military installations within their jurisdiction to develop and conduct seminars on the military naturalization process for service members and their families; and (2) their military counterparts and the NSC to create a monthly program for USCIS officers to discuss individual immigration cases, and conduct naturalization interviews and ceremonies at military installations. According to USCIS, its outreach efforts resulted in 1,272 military naturalizations in fiscal year 2009, and 569 military naturalizations during the first

²⁰The 23 staff members included 16 Immigration Service Officers, 1 Adjudications Supervisor, 5 clerical staff, and 1 clerical supervisor.

4 months of fiscal year 2010.²¹ The majority of USCIS's outreach programs in fiscal year 2010 were held at the following six military installations: Ft. Jackson, South Carolina; Ft. Bliss, Texas; Ft. Sill, Oklahoma; Ft. Benning, Georgia; Ft. Leonard Wood, Missouri; and Camp Lejuene, North Carolina. USCIS officials told us they have been working to expand naturalizations at basic training and that USCIS is placing emphasis on scheduling interviews and performing naturalization ceremonies prior to service members being deployed overseas. In August 2009, USCIS and the Army launched an initiative to conduct outreach to new enlistees at the Army's five basic training sites, providing noncitizen enlistees an opportunity to naturalize prior to the completion of basic training. USCIS officials stated that they expected additional progress to be made as a result of the combined efforts of USCIS and the military branches, and the naturalization process to be expanded to basic training sites across the DOD. In September 2008, USCIS established the Military Liaison Working Group, comprised of USCIS officials, which meets to discuss topics such as new legislation, challenges to locating service members, processing improvements, and best practices.

- **Increased coordination with the FBI.** USCIS has worked with the FBI to expedite the completion of name checks, a required part of USCIS's process for conducting background checks on all naturalization applicants. In March 2008, USCIS and the FBI jointly established milestones for completing pending name checks, and established a goal for completing 98 percent of all USCIS name checks within 30 days and the remaining 2 percent in up to 90 days. According to the FBI, it met the established goals in June 2009. USCIS established an FBI liaison in the agency's Domestic Operations Directorate in March 2009. The USCIS liaison to the FBI is responsible for coordinating with the FBI to expedite name checks and background checks for military naturalization applications.

With respect to the use of enlistment fingerprints to satisfy background checks for military naturalization applicants, a recent upgrade to the Office of Personnel Management's fingerprint transaction system should enable the FBI to more quickly retrieve

²¹USCIS's outreach reports provide information on the total number of military naturalizations. They do not break out the figures for service member, spouse, and other family member. Posthumous naturalizations are not captured in the outreach reports.

fingerprints than in the past. This is because the Office of Personnel Management has created an indicator in its system that identifies which fingerprints are military fingerprints. We believe that this change, which went into effect on June 14, 2010, should eliminate the need for FBI staff to manually search for enlistment fingerprints within the Office of Personnel Management's entire population of fingerprints on DOD military, civilian, and contractor personnel. As a result, the FBI's ability to locate enlistment fingerprints should be considerably faster than the 2 weeks to more than 90 days it had previously taken to locate such fingerprints.²²

- **Mobile fingerprint technology deployed, mostly domestically.** To assist military naturalization applicants stationed within the United States with providing fingerprints for background checks, USCIS has begun to use mobile fingerprinting units at some military installations that are distant from Application Support Centers.²³ As of March 1, 2010, USCIS had deployed 100 mobile fingerprinting units for domestic use.²⁴ According to USCIS officials, the availability of mobile fingerprint units has sped up USCIS's ability to naturalize applicants prior to their being deployed overseas. For its overseas offices, USCIS purchased 30 mobile fingerprint units during fiscal year 2008 and deployed them from November 16, 2009, through February 1, 2010, though officials noted that these units are intended primarily for refugee and other immigrant processing. They stated that while the mobile fingerprint units might more likely be used to fingerprint military spouses than service members overseas because the spouses are not stationed in war zones, it is more convenient for both spouses and service members to use their local military police, personnel office, or legal assistance office to take the fingerprints for submission to USCIS.
- **Resubmission of USCIS fingerprints to the FBI.** In March 2009, USCIS issued guidance to overseas offices on resubmitting electronic fingerprints to the FBI in military naturalization cases

²²It was historically difficult to locate enlistment fingerprints because the FBI stores enlistment fingerprints along with the fingerprints for all DOD personnel, including civilian employees and contractors.

²³Application Support Centers are USCIS offices where applicants for immigration benefits are fingerprinted.

²⁴Mobile fingerprint units are laptop computers with scanners and cameras, costing USCIS between \$8,000 and \$11,000 per unit.

where fingerprint clearances had expired. DHS policy requires that fingerprints be rerun to determine if any new information arose during the previous 15 months that could disqualify the applicant from eligibility for citizenship. USCIS reported that the fingerprint resubmission process has reduced the need for service members stationed in war zones overseas to travel to be fingerprinted, thereby reducing their risk of being harmed.

- **Videoconferencing used for overseas applicants in war zones.** USCIS is currently using videoconferencing technology to conduct preliminary naturalization interviews with service members stationed in Afghanistan. From October 2009 through April 2010, the Bangkok district office conducted over 75 preliminary interviews using videoconferencing technology with service members in Afghanistan. Officials said the preliminary interviews lasted about 25 to 30 minutes, and provided USCIS the opportunity to correct any deficiencies on the application, prepare sworn statements, review court dispositions, and conduct the naturalization test. USCIS officials said that Bangkok office staff traveled to Afghanistan and other military installations to conduct the final interview, witness the service member signing the naturalization certificate, and administer the naturalization oath. USCIS officials said that during the first quarter of fiscal year 2011, the agency plans to implement a pilot test overseas that will measure the pros and cons of using video technology for service members deployed to combat zones during some or all of the military naturalization process. USCIS officials said that using videoconferencing technology for naturalization interviews poses a greater challenge in some combat zones because the military command uses this equipment and it is not readily accessible or available to USCIS.²⁵
- **New information sources on application process created.** In August 2007, USCIS established a toll-free Military Helpline and an e-mail address to provide military naturalization applicants additional opportunities to obtain answers to their questions about

²⁵From April 2006 through March 2008, USCIS's Rome district office used webcam (as opposed to videoconferencing) technology to conduct preliminary naturalization interviews with service members stationed in Iraq. This technology did not work at bases with satellite internet connection, or at small forward operating bases that did not have access to the Internet. For these reasons and, in part, because staff believed that they could sufficiently resolve outstanding issues by reviewing the service member's A-file in advance of traveling to Iraq for the final interview and naturalization oath, the Rome office discontinued using webcam technology for conducting preliminary interviews.

the naturalization process. The helpline is intended to provide live assistance to applicants and enable them to update information on their application, such as a change of address or a change in their duty station.

Incomplete Information on Applications and Limited Information about Overseas Deployment Are Challenges to Timely Completion of Some Military Naturalization Applications

USCIS's ability to complete processing military naturalization applications in a timely manner is affected by several factors. These include USCIS receiving applications with incomplete information, not consistently identifying applicants with imminent overseas deployment plans, and facing particular challenges with processing applicants who are stationed overseas.

- **Naturalization applications submitted with incomplete information.** USCIS officials said they encountered processing delays because applicants frequently did not submit a naturalization application package with complete information. For example, specific to military naturalizations is the Request for Certification of Military or Naval Service (Form N-426), a form that service members must submit to DOD to obtain authenticated certification of military service. According to USCIS officials, incomplete or missing Forms N-426 was the primary reason for delays in the military naturalization application process. USCIS revised the form in March 2009 to make it easier to understand and complete. In February 2010, USCIS also eliminated the requirement that service members submit a biographic information form (Form G-325B) with the naturalization application. According to USCIS officials, information on the form was redundant and, prior to this change, application processing was delayed until the applicant submitted this form. Further, according to USCIS officials, the contact information provided in the military naturalization application is often a permanent address and not where the applicant is located when on duty. USCIS officials said they have encouraged DOD liaisons to review the naturalization application packages for completeness before the applications are submitted to USCIS for processing.
- **Applicants with imminent overseas deployment plans are not consistently identified.** USCIS has identified some military naturalization applicants prior to their being deployed overseas, but it has not consistently identified applicants with imminent deployment plans. According to USCIS officials, an agency goal is to process and complete processing military naturalization applications before the applicant is deployed overseas. Moreover,

internal control standards for the federal government state that an agency's internal control activities should provide reasonable assurance that the objectives of the agency are being achieved. However, USCIS is currently limited to learning about service members' upcoming overseas deployment during its outreach activities at military installations, when DOD points of contact at military installations take the initiative to inform the local USCIS field office of a deployment, or when service members independently notify USCIS of their deployment orders. According to USCIS officials, NSC and field office staff take steps to expedite these high priority cases when they learn about them. However, USCIS does not have procedures in place to proactively and systematically identify priority military naturalization cases at the start of the naturalization process.

When service members mail their applications to the NSC, they may or may not provide information related to their deployment status. USCIS does not request that such information be provided either on the naturalization application or the instructions accompanying the application. If a service member knows that he or she will be deployed but does not note this in the application package or otherwise notify USCIS, USCIS would not be in a position to give priority to an applicant who will be deployed imminently. In the absence of information on deployment status, USCIS officials told us that applications are generally processed on a first-come, first-served basis.

Based on our file review of military naturalization applicants that DOD data indicated were deployed overseas at some point during the application process, we found that USCIS A-files contained no documentation of overseas deployment for an estimated 7 percent of the 1,278 pre-Kendell Frederick Act and 9 percent of the 442 post-Kendell Frederick Act service member applicants. We do not know how many, if any, of these service members filed their applications in the United States prior to overseas deployment, and the Kendell Frederick Act does not require USCIS to maintain such documentation. However, it is possible that some of these service members filed their application domestically and were then deployed overseas. Developing procedures to collect information at the start of the naturalization application process about all service members' deployment plans could help USCIS be better informed about whether or not a service member expects to be deployed and assist it in determining which applications to designate for priority processing. As a result, USCIS would be better positioned to meet

its goal of completing processing of military naturalization applications before the applicant is deployed overseas.

USCIS officials acknowledged that the agency does not have procedures for proactively and systematically collecting up-front deployment information from all military naturalization applicants. They noted that USCIS is currently in the process of revising the naturalization application, and that it may be feasible to request deployment information on the naturalization application itself, on the instructions accompanying the application, or on USCIS's military naturalization Web site. Such steps could help ensure that USCIS has consistent, systematic information to enable it to determine which applicants may soon be leaving the country and require expedited processing of their naturalization applications.

- **Processing applicants stationed overseas can pose particular challenges to timely application processing.** Our review of pending cases that USCIS did not complete within 6 months of application receipt suggested that service members who had been stationed overseas, and particularly those stationed in Iraq, posed particular challenges to USCIS completing the application within the time frame required by the MPCPA. Our review of 74 pending cases at USCIS's NSC, and in Los Angeles, California, Norfolk, Virginia, San Diego, California, and Rome, Italy—four of the offices with the highest number of pending service member applications submitted during the 3 months following enactment of the MPCPA—indicated that 46 (62 percent) of the applicants were stationed overseas at some point during the application process, and 28 (38 percent) were stationed in the United States. Of the 46 overseas applicants stationed overseas, 20 (43 percent) were stationed in Iraq, 1 (2 percent) was stationed in Afghanistan, and 25 (54 percent) were stationed in other overseas locations.

Applicants stationed overseas had more delays associated with the interview and changes with the applicant's jurisdiction than applicants stationed in the United States. For example, the naturalization interview was a reason for application processing being delayed in 37 percent of the 46 pending applications from service members stationed overseas and 14 percent of the 28 pending applications from service members stationed domestically. The service member moving to a new jurisdiction was a reason for application processing being delayed in 33 percent of pending applications from service members stationed overseas and 4 percent of 28 pending applications from service members stationed domestically. Table 1 below presents

information on these and the other most frequent reasons we found for delays in USCIS pending cases in the select field offices.

Table 1: Most Frequent Reasons for Delays in Processing Pending Applications from Service Members at the Nebraska Service Center (NSC) and Four Field Offices^a

Reason for delay	Overseas applicants ^b (n = 46 service members)		Domestic applicants ^b (n = 28 service members)	
	Number of delays	Percent of delays	Number of delays	Percent of delays
Naturalization interview ^c	17	37%	4	14%
Service member moved to new jurisdiction	15	33	1	4
Obtaining and processing ^c fingerprints	8	17	2	7
Application incomplete	6	13	9	32
Oath ceremony ^{c,d}	4	9	10	36

Source: GAO analysis of USCIS A-files.

Notes: These applications from service members stationed overseas at some point during the application process were received by USCIS from October 9, 2008, through January 9, 2009, and were pending as of July 28, 2009.

^aThe field offices are Los Angeles, California, Norfolk, Virginia, San Diego, California, and Rome, Italy.

^bThe number of delays does not sum to the number of applicants, and the percentages do not sum to 100 percent because some applications experienced multiple reasons for delays and some applications experienced delays that occurred infrequently (2 times or less) for both overseas and domestic applications, and were therefore not included in the table. When delays occurred infrequently for one group but not the other, the results are included in the table (e.g., 1 domestic applicant experienced a delay because he/she moved to a new jurisdiction, whereas 15 overseas applicants experienced this same reason for a delay).

^cWe did not collect data on the reasons delays occurred with the naturalization interview; obtaining and processing fingerprints; and the oath ceremony.

^dOur finding that the oath ceremony delayed application processing in 10 of 28 (36 percent) of pending domestic applications reviewed compared to 4 of 46 (9 percent) of pending overseas applications reviewed may possibly be explained by differences in the oath administration process. In domestic cases, courts have the discretion to administer the naturalization oath to persons residing within their jurisdiction. If the court exercises its discretion to administer the oath—rather than waiving its authority and permitting USCIS to do so—then applicants may need to wait for up to 45 days for the naturalization ceremony because the court maintains statutory jurisdiction to administer the oath for 45 days from the date on which USCIS certifies to the court that an applicant is eligible for naturalization. In overseas cases, in contrast, USCIS officials generally administer the oath within 1 day of the interview, and sometimes on the same day. As a result, delays in completing the naturalization interview may more directly affect delays in the oath ceremony for overseas cases than for domestic cases.

In Iraq and Afghanistan, USCIS faces delays in completing naturalization applications because of limitations imposed by DOD on USCIS staff accessing areas of conflict to avoid distracting service members from their mission priorities. DOD generally limits USCIS to conducting four visits to Iraq and two visits to Afghanistan each fiscal year to conduct interviews and naturalization oaths. Given such limitations, it can be especially

difficult for USCIS to meet the MPCPA processing deadline requirement for service members stationed in these war zones.

Extent to Which USCIS Has Complied with Its Guidance for Administratively Closing and Denying Applications Is Unclear

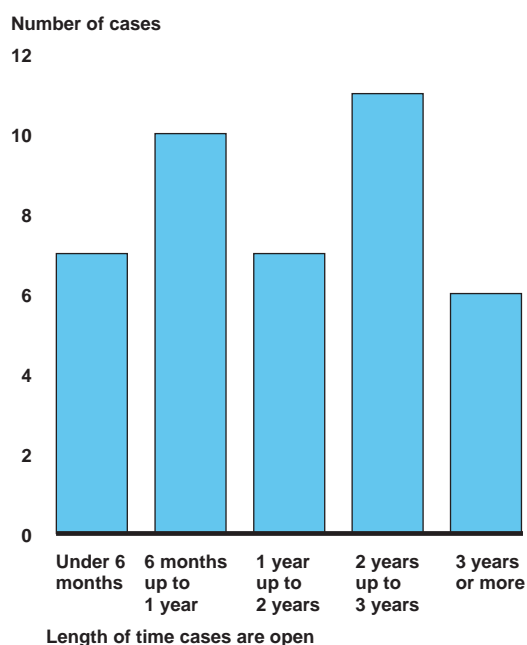
In April 2009, USCIS issued guidance that contained time parameters for administratively closing or denying a case when an applicant fails to appear for an interview or respond to a request for evidence; however, because of missing documentation in applicants' A-files, our review could not confirm that USCIS was consistently following its guidance. USCIS officials said that although they could administratively close or deny applications prior to the April 2009 guidance, many USCIS field offices kept military naturalization cases open for extended periods of time in order to be flexible with military applicants with whom they had lost contact or who failed to appear or respond to information requests. The April 2009 guidance was issued so that USCIS field offices would have a systematic approach to closing and denying cases that could not be resolved when USCIS lacked sufficient evidence to adjudicate the case. They said that many such cases had previously remained open at USCIS field offices for extended periods of time to allow the service members every opportunity to complete the application process, which negatively affected processing times. According to USCIS officials, military naturalization cases that are administratively closed or denied under the April 2009 guidance can be reopened and processing continued with no adverse effect on applicants if they subsequently reestablish contact with USCIS about their naturalization application.

The April 2009 guidance identified five conditions under which a naturalization case could be administratively closed or denied. These conditions included the applicants' failure to (1) appear for the initial interview; (2) appear for fingerprinting at the Application Support Center; (3) appear for subsequent scheduled interviews or respond to subsequent requests for evidence; (4) provide evidence requested before the initial interview; and (5) comply with a request for appearance at the naturalization oath ceremony. The guidance also specified the actions that adjudicators were to take before closing the case, time frames for completing the actions, and documentation indicating that adjudicators took the required actions.

We reviewed 42 randomly selected cases that were administratively closed or denied from April 15, 2009 (the date that USCIS issued its guidance) through July 9, 2009 (the most recent date for which USCIS had available data at the time of our information request). We found that the average length of time for USCIS to close or deny 41 of these cases was 22

months.²⁶ Six cases had been open for at least 3 years before USCIS closed or denied them, with the longest having been open for 6½ years. Figure 3 below presents information on the length of time the cases were open before USCIS decided to administratively close or deny them.

Figure 3: Number of Cases Administratively Closed or Denied from April 15, 2009, through July 9, 2009, by Length of Time Cases Were Open



Source: GAO review of USCIS A-files.

In our analysis of 42 cases administratively closed or denied under the April 2009 guidance, we found that 15 were closed because the applicant failed to appear at the initial interview; 15 were closed for miscellaneous other reasons;²⁷ 10 were denied because the applicant failed to provide fingerprints; and 2 were denied because the applicant failed to respond to subsequent requests for evidence. For the 42 cases, we sought to determine what actions, as required by the April 2009 guidance, USCIS

²⁶One of the 42 cases did not contain information on the date the application was completed, so the case could not be included in determining the average length of time to close or deny cases.

²⁷Miscellaneous reasons included the applicant deploying out to sea for a period of time, abandoning the application, and submitting an incomplete application; and USCIS not being able to contact the applicant.

took to locate and notify applicants that had failed to appear for an initial interview or failed to provide fingerprints or additional evidence. USCIS's actions included searching databases, contacting military liaisons, or mailing a second request for evidence to the applicant, or a combination. In a number of instances, A-files did not contain documentation indicating that USCIS had taken steps to locate or notify applicants, as required in its April 2009 guidance. For example, for 9 of 15 cases that were administratively closed because the applicant failed to appear for the initial interview, we found no documentation in the A-file that a USCIS liaison at the applicant's military installation was contacted in an attempt to locate the service member. Table 2 below presents the results of our analysis on the extent to which USCIS documented the actions it took in accordance with its April 2009 guidance.

Table 2: USCIS Documentation on Administratively Closed or Denied Cases

Conditions when USCIS administratively closes or denies case	Number of cases reviewed	Actions required by USCIS to locate applicant upon abandonment of the application	Documentation indicating action taken to locate or notify applicant		
			Yes	No	Not applicable or could not determine
Administratively Closed Applicant fails to appear for the initial interview	15	Search available databases and correspondence for a change of address or request to reschedule the interview.	0	15	0
			6	9	0
		Contact USCIS liaison at the applicant's military installation in attempt to locate the service member.	1	4	10 ^a
		Send second interview notice to the service member after finding a change in address, new contact information, or request to reschedule the interview.			
Administratively Closed Miscellaneous reasons, other than applicant fails to appear for the initial interview	15	Search available databases and correspondence for a change of address or request to reschedule the interview.			15 ^b
					15 ^b
		Contact USCIS liaison at the applicant's military installation in attempt to locate the service member.			15 ^b
		Send second interview notice to the service member after finding a change in address, new contact information, or request to reschedule the interview.			

Conditions when USCIS administratively closes or denies case	Number of cases reviewed	Actions required by USCIS to locate applicant upon abandonment of the application	Documentation indicating action taken to locate or notify applicant		
			Yes	No	Not applicable or could not determine
Denied for Abandonment Applicant fails to provide fingerprints	10	Search available databases and correspondence for a change of address to locate applicant and advise about the fingerprint requirement.	2	8	0
			0	10	0
		Contact applicant and alert him or her about the fingerprint requirement and methods to fulfill it.	0	5	5 ^c
			4	5	1 ^d
		Contact applicant and confirm that he or she is stationed domestically and able to report to an Application Support Center for fingerprinting.	1	2	7 ^e
		Contact USCIS liaison at the applicant's military installation in attempt to locate the service member. Send second Application Support Center appointment notice to the service member after finding a change in address, new contact information.			
Denied on the Merits of the Case Applicant fails to provide evidence requested after the initial interview	2	Search available databases and correspondence for a change of address or request for an extension of time.	0	2	0
			0	2	0
		Contact USCIS liaison at the applicant's installation in attempt to locate the service member.	0	0	2 ^f
		Send second request for evidence to the service member or a 30-day extension to respond to the request for evidence after finding a change in address, new contact information, or a request for an extension of time.			

Source: GAO analysis of USCIS A-files.

Note: The 42 cases were randomly selected from cases administratively closed or denied from April 15, 2009, through July 9, 2009.

^a Not applicable because there was no indication in applicants' A-files of an address change, new contact information, or request to reschedule the interview.

^b Could not determine because we did not collect data on actions taken to locate applicants when the case was administratively closed for miscellaneous reasons.

^c Not applicable because applicant was not stationed domestically, and Application Support Centers are located within the United States.

^d Not applicable because applicant was no longer in the military at the time USCIS was determining whether to administratively close or deny the case.

^e Not applicable because there was no indication in applicant's A-files of an address change or new contact information.

^f Not applicable because there was no indication in applicants' A-files of an address change, new contact information, or request for time extension.

For A-files that lacked documentation that the requirements of USCIS's April 2009 guidance were met, we could not determine if USCIS staff

carried out all the requirements but did not document their efforts, or if they did not carry out all the requirements. USCIS officials told us that human error on the part of USCIS personnel was the reason why some A-files lacked documentation of all actions taken under the April 2009 guidance. Standards for internal control guidelines call for agencies to document that transactions and other significant events are complete and accurate, and are useful to managers in controlling their operations and to any others involved in evaluating or analyzing operations. Additionally, USCIS's guidance in the April 2009 memo and the Adjudicator's Field Manual both state that all actions taken to locate the applicant should be documented on a "Record of Action" form in the applicant's A-file. USCIS personnel may have taken all the actions set forth in the guidance, but improving quality assurance measures to ensure that such documentation is placed in A-files could help USCIS validate the actions taken and determine the extent to which USCIS personnel are adhering to management's intentions as set out in the April 2009 guidance for administratively closing or denying military naturalization cases. Some headquarters and field officials indicated that improving the military naturalization program's quality assurance measures, such as providing additional supervision, training, and communication with application processing staff, could help reinforce the requirement that all actions taken be documented and ensure that USCIS has complete and accurate information on the actions it has taken under the April 2009 guidance.

Conclusions

USCIS has made a number of procedural improvements to its processing of military naturalizations, and these appear to have helped it increase the percentage of applications completed within 6 months of receipt, as required by the MPCPA. The mobile nature of the military population, in general, can make it challenging to complete naturalization applications in a timely fashion. Locating applicants who are deployed overseas, especially in war zones, can pose even greater challenges to the timely completion of the application process. In comparison to the pre-MPCPA time period in our review, USCIS significantly increased the percentage of military naturalization applications completed within 6 months of receipt.

At the same time, developing procedures to be more proactive in ascertaining which service members have orders to deploy overseas could help ensure that USCIS has consistent, comprehensive information to assist it in determining which applicants may soon be leaving the country and require priority, expedited processing of their naturalization applications. As a result, USCIS would be better positioned to meet its goal of completing processing of military naturalization applications

before the applicant is deployed overseas. In addition, by ensuring that documentation requirements are followed, USCIS could strengthen its ability to validate its personnel's actions and help ensure that it has complete and accurate information on (1) efforts made to comply with the notification requirements of the MPCPA when USCIS does not meet the 6-month processing deadline, and (2) actions taken to make the decision that a case should be administratively closed or denied.

Recommendations for Executive Action

To enhance efforts to expedite application processing and ensure that actions taken by USCIS personnel fully comply with the notification requirements of the MPCPA and USCIS's guidance for closing cases, we recommend that the Director of USCIS take the following 3 actions:

1. develop procedures to help ensure that available deployment information is proactively and systematically collected from all military naturalization applicants at the time they file their naturalization applications;
2. for cases where USCIS is unable to adjudicate a military naturalization application within 6 months of receipt, institute quality assurance measures to help ensure that applicants' A-files contain a copy of the letter notifying the applicant of the reasons for the delay and an estimated adjudication date; and
3. for cases that are administratively closed or denied, institute quality assurance measures to help ensure that all actions taken under USCIS' April 2009 guidance are documented in applicants' A-files.

Agency Comments and Our Evaluation

We provided a draft of this report to DHS and DOD for their review and comment. On July 27, 2010, DHS provided written comments agreeing with our recommendations. DHS's letter explained the actions it is planning to take in response to the recommendations in our report. When implemented, these actions will address the intent of our recommendations. To address the first recommendation to help ensure that available deployment information is collected from all military naturalization applicants at the time they file their naturalization application, DHS plans, among other things, to incorporate questions pertaining to applicants' active duty status and deployment overseas into the naturalization application form. To address the second recommendation to help ensure that applicants' A-files contain the required documentation if their naturalization applications cannot be adjudicated within 6 months of receipt, DHS plans to develop quality assurance measures specific to naturalization cases subject to the MPCPA notification requirements. To address the third recommendation to help

ensure that the A-files of applicants whose cases are administratively closed or denied contain documentation of actions taken under DHS's April 2009 guidance, DHS plans to develop and implement additional quality assurance measures to ensure that DHS officers document all actions in the A-file. DHS's comments are reprinted in full in appendix II. DHS also provided us technical comments, which we incorporated as appropriate. DOD did not provide comments on our draft report.

We are sending copies of this report to the Secretary of Homeland Security, the Secretary of Defense, and other interested parties. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or stanar@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Other key contributors to this report are listed in appendix III.



Richard M. Stana
Director, Homeland Security and Justice Issues

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The Honorable John McCain
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United States Senate

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The Honorable Zoe Lofgren
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and International Law
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Appendix I: Scope and Methodology

To determine the extent to which USCIS has met the processing deadlines established in the Military Personnel Citizenship Processing Act (MPCPA) and the Kendell Frederick Citizenship Assistance Act (Kendell Frederick Act), we reviewed aliens' case files (A-files) from USCIS's listings of naturalization applications filed before and after enactment of the acts for applications filed by (1) service members, (2) spouses of service members, and (3) applicants for posthumous citizenship.¹ We also reviewed A-files for cases that had been administratively closed or denied by USCIS due to applicants' failure to respond to requests for appearance or evidence. Our file reviews were conducted at the following USCIS locations: the Nebraska Service Center² (NSC) in Lincoln, Nebraska; National Records Center in Lee's Summit, Missouri; and the domestic field offices—Los Angeles, California, Norfolk, Virginia, and San Diego, California, and the international office—Rome, Italy—with the highest number of pending service member applications submitted in the post-MPCPA period, as of July 28, 2009.³ We selected and reviewed either samples of or all available applications contained in A-files for the following eight populations, or categories, of military naturalization applications:

¹ The MPCPA's processing deadline also applies to applications filed by the surviving spouses, children, or parents of members of the military who died while on active duty. We did not review A-files for these populations because they were not identifiable in USCIS's data systems.

² The Nebraska Service Center (NSC) is USCIS's centralized location for receiving and conducting initial processing of military naturalization applications

³ We did not select a random, probability sample of all applications because pending applications selected for such a sample could have been located in USCIS field offices nationwide, and USCIS could not send pending applications to a central location for our review without disrupting the processing of the applications.

Table 3: Description of Military Naturalization Sample Populations

Sample populations and time periods		Applications reviewed and results reported
MPCPA populations		
Applications filed by service members	(1) Pre-enactment—Naturalization applications USCIS completed from April 28, 2008, through October 8, 2008, about 5 ½ months prior to enactment of the MPCPA.	We selected and reviewed a random probability sample of these applications. The results of the sample are reported as estimates of the universe of all service member applications completed during about 5 ½ months preceding enactment of the MPCPA. The pre-MPCPA period was intended to be 6 months but was 20 days less due to a programming error during sample selection. We believe that the exclusion of these 20 days had no effect on our results. Unless otherwise noted, the margin of error for estimates of percentages of completed pre-MPCPA applications is plus or minus 14 percentage points or less at the 95 percent level of statistical confidence. ^a
	(2) Post-enactment—Naturalization applications received by USCIS from October 9, 2008 through January 9, 2009, the 3-month period following the enactment of the MPCPA. We obtained a listing of the applications filed during this period and their status in USCIS's case management system (CLAIMS 4) as of July 28, 2009. This allowed USCIS from more than 6 months to about 9 and one-half months to complete the applications.	<ul style="list-style-type: none"> Completed applications—We selected and reviewed a random probability sample of completed applications. The results of the sample are reported as estimates of the universe of all service member applications received by USCIS during the 3 months following enactment of the MPCPA and completed as of July 28, 2009. Unless otherwise noted, the margin of error for estimates of percentages of post-MPCPA completed applications is plus or minus 10 percentage points or less at the 95 percent level of statistical confidence. Pending applications—We reviewed all available pending applications as of July 28, 2009, at the NSC and in the 4 USCIS field offices that we visited. The results are not generalizable to all post-MPCPA service member cases pending longer than 6 months because our sample was limited to the applications we reviewed at these offices. However, they provided us with important information about such things as reasons for application processing delays and USCIS's documentation in A-files of actions taken to notify applicants of processing delays.

Sample populations and time periods	Applications reviewed and results reported
Applications filed by spouses of service members	<p>(3) Post-enactment—Naturalization applications submitted by the spouses of military members and received by USCIS from January 22, 2009, through February 22, 2009, the 1-month period following the transfer of the processing of spousal applications to the NSC. We obtained a listing of these applications according to their status in CLAIMS 4 as of August 31, 2009, to allow USCIS about 6 months to complete applications received on February 22, 2009.</p> <p>Applications filed prior to January 22, 2009, are not identifiable in USCIS's data system. As a result, we were unable to review applications submitted prior to the enactment of the MPCPA.</p> <ul style="list-style-type: none"> Completed applications—We reviewed all known completed applications for the time period. The results for this analysis apply to all spousal applicants during the one-month time period we reviewed. Pending applications—We reviewed all available pending applications as of August 31, 2009, at the NSC and in the Los Angeles Field Office. There were no pending spousal applications in the other field offices we visited. <p>Since we did not select random probability samples of spouse applications to review, there are no sampling errors associated with our review of these applications.</p>
Applications for posthumous citizenship	<p>(4) Pre-enactment—Applications for posthumous citizenship USCIS completed from April 8, 2008, through October 8, 2008, the 6-month period prior to enactment of the MPCPA.</p> <p>(5) Post-enactment—Applications for posthumous citizenship received by USCIS from October 9, 2008, through January 9, 2009, the 3-month period following enactment of the MPCPA.</p> <p>We reviewed all posthumous applications completed during this period.</p> <p>We reviewed all posthumous applications filed during this period.</p>
Kendell Frederick populations	
Applications filed by service members who served overseas at some point during the processing of their applications	<p>(6) Pre-enactment—Naturalization applications that USCIS completed from December 25, 2007, through June 25, 2008, the 6-month period prior to enactment of the Kendell Frederick Act. We obtained a listing of all service member applications completed during this period, and worked with DOD to identify those where the applicant served overseas.</p> <p>(7) Post-enactment—Naturalization applications received by USCIS from June 26, 2008, through September 26, 2008, the 3-month period following enactment of the Kendell Frederick Act. We obtained a listing of all service member applications filed during this period and their status in CLAIMS 4 as of July 28, 2009, and worked with DOD to identify those where the applicant served overseas.</p> <p>We selected and reviewed a random probability sample of these applications. The results of the sample are reported as estimates of the universe of all overseas service member applications completed during the 6 months preceding enactment of the Kendell Frederick Act. Unless otherwise noted, the margin of error for estimates of percentages of completed pre-Kendell Frederick Act applications is plus or minus 13 percentage points or less at the 95 percent level of statistical confidence.</p> <p>We selected and reviewed a random probability sample of these applications, all of which had been completed. The results of the sample are reported as estimates of the universe of all service member applications received by USCIS during the 3 months following enactment of the Kendell Frederick Act. Unless otherwise noted, the margin of error for estimates of percentages of completed post-Kendell Frederick Act applications is plus or minus 9 percentage points or less at the 95 percent level of statistical confidence.</p>

Sample populations and time periods	Applications reviewed and results reported
Administratively closed/denied applications	
Applications administratively closed/denied to due to applicants' failure to respond to requests for appearance or evidence	<p>(8) Naturalization applications that were administratively closed or denied due to the conditions described in an April 15, 2009, USCIS memorandum, as of July 9, 2009.</p> <p>While the files we reviewed were randomly selected, we cannot generalize the results of reviewing these applications to all applications administratively closed or denied as of July 9, 2009, due to the April 15 memorandum because we do not know the actual population count of applications administratively closed or denied for this period. In addition, close to half of the requested files were not available for review during our site visit to the NSC because they had been transferred to various locations nationwide for further processing.^b Even so, our review of these applications provided us with important information about such things as USCIS's actions to locate applicants who failed to appear for an interview or respond to a request for evidence, and USCIS's documentation in A-files of actions taken to administratively close or deny applications due to the April 15 memorandum.</p>

Source: GAO

^a All statistical samples are subject to sampling error; that is, the extent to which the sample results differ from what would have been obtained if the whole population had been observed. Measures of sampling error are defined by two elements, the width of the confidence intervals around the estimate (sometimes called the precision of the estimate) and the confidence level at which the intervals are computed. Because we followed a probability procedure based on random selections, our sample is only one of a large number of samples that we might have drawn. As each sample could have provided different estimates, we express our confidence in the precision of our particular sample's results as a 95 percent confidence interval (e.g., plus or minus 10 percentage points). This is the interval that would contain the actual population value for 95 percent of the samples we could have drawn. As a result, we are 95 percent confident that each of the confidence intervals based on the review of the files in this sample includes the true values in the population.

^b We received a list of 387 applications that had been administratively closed or denied as of July 9, 2009. In total, we selected from this list a random probability sample of 154 applications to review. Upon beginning our review of the A-files, we determined that many applications had not been either administratively closed or denied based on the April 15 memorandum, and so were not qualified to be included in our sample. We inquired with USCIS about the presence of these applications in our sample and learned that the list of applications provided to us had not been limited only to applications administratively closed or denied due to reasons in the April 15 memorandum but had comprised all applications administratively closed or denied during our sample period. Of the total number of 154 files requested, we reviewed 42 that had been closed or denied due to the memorandum; 41 were determined not qualified to be in the group; and, 71 were not reviewed because they had been transferred to locations we did not visit.

We reviewed A-files to address this objective because limitations with USCIS's case management system, CLAIMS 4, prohibited us from

analyzing data from the system to calculate application processing times⁴ and obtain other information relevant to our study. We reviewed A-files to determine, among other things, how long USCIS took to process military naturalization applications, when various background checks were completed, whether USCIS provided an explanation to applicants if it could not complete application processing within 6 months, reasons why applications may not have been processed within mandated time frames, and whether USCIS was closing or denying certain cases consistent with its own guidance. In addition, because USCIS was unable to identify service members who served overseas during the application process, we coordinated with DOD's Defense Manpower Data Center (DMDC) to identify these applicants in order to select our sample populations for the Kendell Frederick Act.⁵ We questioned DMDC about the reliability of the data in the files used to identify service members serving overseas, and determined that the data were sufficiently reliable for our purposes.

We developed data collection instruments to review applications for each of the eight populations in Table 3 and pretested these instruments with a number of military naturalization applications to help ensure that they effectively captured the data available in the A-files and addressed our research objectives. Furthermore, we verified the accuracy and

⁴ GAO has previously reported that due to limitations with CLAIMS 4, USCIS has not had the capability to directly calculate how long it takes to process naturalization applications. Instead, USCIS uses what it calls "cycle time"—a statistical estimation as a proxy for actual processing times, which entails counting back to previous months until the number of currently pending applications equals the number of receipts. GAO, *Immigration Benefits: Improvements Needed to Address Backlogs and Ensure Quality of Adjudications* [GAO-06-20](#) (Washington, D.C.: Nov. 21, 2005; and GAO, *Immigration Benefits: Several Factors Impede Timeliness of Application Processing*, [GAO-01-488](#) (Washington, D.C.: May 4, 2001).

⁵ To determine these applicants, we obtained all service member applications filed during the pre- and post-Kendell Frederick Act periods and their status in CLAIMS 4 as of July 28, 2009, and provided the listing of applicants to the Defense Manpower Data Center (DMDC). DMDC used a two-step matching process to identify service members serving overseas during the process. DMDC first used the Contingency Tracking System (CTS) Deployment File, which contains members of all military services deployed in support of the global war on terrorism (GWOT). Service members found not to have been deployed in support of GWOT during their applications process were then checked against each military service's Personnel Build files to determine whether or not they had been activated for overseas duty at any time during their application process.

completeness of our data collection efforts and subsequent analyses.⁶ We reviewed a total of 464 A-files. See table 4 for a summary of the disposition of the file review samples for each of the military naturalization populations.

Table 4: Disposition of the File Review Samples for the Eight Populations of Military Naturalization Applications

Populations/Sample groups	Number of applications in the sample group according to CLAIMS 4	Number of applications selected for review	Number of selected applications not available for review	Number of selected applications misclassified or not qualified for the sample group	Number of applications qualified for the sample group that were reviewed
Pre-MPCPA service members					
Completed as of 7/28/09	4,533	52	0	2 ^a	50
Post-MPCPA service members					
Completed as of 7/28/09	1,624 ^b	101	4	1 ^c	96
Pending as of 7/28/09 (at the NSC and selected field offices)	149	149	19	56	74
NSC	71	71	2	51 ^d	18
Norfolk	10	10	0	1 ^e	9
Los Angeles	10	10	1	1 ^f	8
San Diego	21	21	0	0	21
Rome	37	37	16	3 ^g	18
Post-MPCPA spouses of service members					
Completed as of 8/31/09	44 ^h	44	0	0	48 ⁱ
Pending as of 8/31/09 (at the NSC, National Benefits Center, National Records Center, and selected field offices)	6	6	1	4	1

⁶A two-stage process was used to review applications. First, an analyst reviewed and completed a data collection instrument for an application. A second analyst reviewed the completed data collection instrument and the associated application to verify the accuracy of each coded item. All data collection instrument data were double key-entered into an electronic file in batches (that is, the entries were 100 percent verified), and a random sample of each batch was selected for further verification for completeness and accuracy. Computer analyses were also performed to identify inconsistencies or other indications of errors in the completion of the data collection instruments or data entry. All computer syntax was peer-reviewed and verified by a separate programmer to ensure that the syntax had been written and executed correctly.

Appendix I: Scope and Methodology

Populations/Sample groups	Number of applications in the sample group according to CLAIMS 4	Number of applications selected for review	Number of selected applications not available for review	Number of selected applications misclassified or not qualified for the sample group	Number of applications qualified for the sample group that were reviewed
NSC, National Benefits Center, National Records Center	5	5	1	4 ⁱ	0
Los Angeles	1	1	0	0	1
Pre-MPCPA posthumous applicants					
Completed	6	6	0	0	6
Post-MPCPA posthumous applicants					
Completed	1	1	0	0	1
Pre-Kendell Frederick Act overseas service members					
Completed as of 7/28/09	1,278	62	1	2 ^k	59
Post-Kendell Frederick Act overseas service members					
Completed as of 7/28/09	442	95	7	0	87 ^l
Administratively closed/denied by USCIS due to reasons in the April 15 memorandum	387	154	71	41 ^m	42

Source: GAO analysis

^a Upon review, one application was found to have been completed in August 2009, after the end of our pre-MPCPA period; the second application was found to have been closed in April 2007, before the start of our sample period.

^b CLAIMS 4 also identified 308 applications received during the 3-month period that were pending as of July 28, 2009. An additional 49 applications filed during this period had been withdrawn by applicants and 6 applications had been terminated. A terminated application occurs when it is found that an applicant has filed the N-400 more than once, and USCIS terminates the duplicate(s).

^c The applicant was found to have already been a citizen at the time of the application.

^d Forty-nine applications had been misclassified because the applications had been closed on July 4, 2009, and CLAIMS 4 had not been updated to indicate they had been completed. Also, 2 applications were found to have been opened after January 9, 2009, and were not qualified to be included in the post-MPCPA population.

^e One application was found to have been submitted before our sample time period.

^f One application was found to have been submitted by a spouse and not a service member.

^g Three applicants were found to have already been citizens at the time of their applications.

^h CLAIMS4 also identified 12 additional spousal applications received during the 1-month period that were pending as of August 31, 2009. Two additional applications filed during this period had been withdrawn by applicants.

ⁱ In addition to the 44 completed applications in CLAIMS 4, we found 4 applications in our file review identified as pending in CLAIMS 4 that had actually been completed prior to August 31, 2009. Therefore, we included these 4 applications in our analysis of completed applications.

^jFour applications we reviewed at the NSC that had been identified as pending had actually been completed prior to August 31, 2009. Three of these applications had been misclassified because the applicants had been naturalized prior to August 31, 2009—one in March 2009—and one applicant had been denied prior to August. CLAIMS 4 had not been updated to indicate these applications had been completed.

^kTwo applicants were found to have been naturalized after our sample time period.

^lOne file qualified and available for review was inadvertently not completed.

^mThese applications were determined not to have been administratively closed or denied due to reasons in the USCIS April 15, 2009, memorandum, or in the instance of one, closed prior to the issuance of the memorandum.

To determine the actions USCIS took to implement the processing deadline requirements in the MPCPA and the Kendell Frederick Act, and any key challenges experienced in its implementation efforts, we reviewed USCIS reports, memorandums, and guidance related to processing military naturalization applications. We interviewed officials at USCIS headquarters, the NSC, and field offices in Los Angeles, California, Norfolk, Virginia, San Diego, California, and Rome, Italy. We also interviewed officials at the Federal Bureau of Investigation (FBI) and DOD, including those within the Army, Navy, and Marine Corps service components; and reviewed relevant documentation to identify the actions they have taken in coordination with USCIS to help expedite the processing of military naturalization applications and obtain their perspectives on any challenges they have experienced. In addition, we augmented officials' perspectives on key challenges experienced with the results from our review of applicant A-files.

For both objectives, we reviewed the Kendell Frederick Act, the Military Personnel Citizenship Processing Act (MPCPA), the National Defense Authorization Acts for Fiscal Years 2004 and 2008, and Executive Order 13269; as well as relevant sections of Title III of the Immigration and Nationality Act.

We conducted this performance audit from February 2009 through July 2010, in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Comments from the Department of Homeland Security

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

July 27, 2010

Richard M. Stana
Director, Homeland Security and Justice Issues
Government Accountability Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Stana:

*RE: Draft Report GAO-10-865 (Reference #440780), MILITARY NATURALIZATIONS:
USCIS Generally Met Mandated Processing Deadlines, But Processing Applicants Deployed
Overseas Is A Challenge*

Thank you for the opportunity to review the draft report concerning the Department of Homeland Security's (DHS) military naturalizations process. DHS concurs with GAO's report findings and proposed recommendations. DHS had three recommendations for executive action. We would like to respectfully offer the following comments:

To enhance efforts to expedite application processing and ensure that actions taken by DHS personnel fully comply with the notification requirements of the Military Personnel Citizenship Processing Act (MPCPA) and guidance for closing cases, the GAO draft report recommends that DHS take the following three actions:

GAO Recommendation 1: Develop procedures to help ensure that available deployment information is proactively and systematically collected from all military naturalization applicants at the time they file their naturalization applications.

DHS Response: DHS concurs with this recommendation. DHS is currently revising the Application for Naturalization (Form N-400) to help ensure that available deployment information is captured. To do so, DHS is incorporating questions pertaining to the applicant's active duty status and anticipated or imminent deployment overseas. Upon receipt at the intake facility, DHS will flag these cases for special expedited processing. In addition, the form instructions will advise the applicant to notify DHS of imminent deployment plans after he or she has filed the application.

DHS will evaluate current procedures at the intake facility to ensure that any application packet alerting DHS of an applicant's imminent deployment will receive special expedited processing.

Projected completion date: August 2011.

GAO Recommendation 2: For cases where DHS is unable to adjudicate a military naturalization application within six months of receipt, institute quality assurance measures to help ensure that applicants' A-files contain a copy of the letter notifying the applicant of the reasons for the delay and an estimated adjudication date.

DHS Response: DHS concurs with this recommendation. DHS will work toward improved quality assurance measures, and will develop quality assurance measures specific to naturalization cases subject to the MPCPA notification requirements. DHS will amend the Naturalization Quality Procedures to incorporate items specific to MPCPA-governed cases, take appropriate steps to ensure that the notification letter includes an estimated adjudication date, and place a copy of that notification letter in the applicant's A-file.

Projected completion date: March 2011.

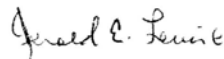
GAO Recommendation 3: For cases that are administratively closed or denied, institute quality assurance measures to help ensure that all actions taken under DHS's April 2009 guidance are documented in applicants' A-files.

DHS Response: DHS concurs with this recommendation. DHS will develop and implement additional quality assurance measures to ensure that DHS officers document all actions in the applicant's A-file, as required by the April 2009 guidance, *Processing N-400s Filed Under INA 328 and 329 When Applicant Fails to Respond to a Request for Evidence or for Appearance*, when an applicant fails to appear or respond to a Request for Evidence. DHS will amend the Naturalization Quality Procedures to incorporate items specific to naturalization cases filed by current and former military members that are administratively closed or denied.

Projected completion date: March 2011.

Thank you for the opportunity to comment on this Draft Report and we look forward to working with you on future homeland security issues.

Sincerely,



Jerald E. Levine
Director
Departmental GAO/OIG Liaison Office

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Richard M. Stana, (202) 512-8777 or stanar@gao.gov

Staff Acknowledgments

In addition to the contact named above, Evi Rezmovic, Assistant Director, and James Lawson, Analyst-in-Charge, managed this assignment. David Alexander, Frances Cook, Christine Davis, Dae Park, Steven Rabinowitz, Anna Russell, Christine San, Mark Tremba, Ashley Vaughan, Adam Vogt, and Johanna Wong made significant contributions to the report.

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